

ATHLETICS COMPLIANCE REVIEW – UNIVERSITY OF OREGON

May 14, 2012

This is a Report of a spring 2012 athletics compliance review of the NCAA rules compliance program at the University of Oregon (UO). The review was conducted at the request of the University by the Collegiate Sports Practice Group of Bond, Schoeneck & King, PLLC (BS&K).¹ The University sought a thorough and critical review of the procedures and systems that comprise the NCAA rules compliance program.

The specific objectives of this athletics compliance review are: (1) to evaluate the institution's existing athletics compliance and monitoring systems and procedures; (2) to provide recommendations to the University for enhancement of the compliance and monitoring systems and procedures; (3) to fulfill the periodic outside review requirement of NCAA certification legislation for a Division I institution [NCAA Bylaw 22.2.1.2-(e)]; and (4) to assess the institution's commitment to compliance with NCAA, Pac-12 Conference and institutional regulations, a key element to institutional control.

The information upon which this Report is based was provided by University officials through submission of requested written materials, on-campus meetings and telephone conferences. On-campus interviews and meetings with 29 individuals, including coaches, athletics administrative staff, student-athletes and representatives of campus academic and administrative offices occurred over three days (February 14-16, 2012). Additional follow-up interviews were conducted via telephone. A more detailed description of the process of gathering information for this Report is included as **Appendix 1**.

The Report is presented in the following format:

- I. ATHLETICS COMPLIANCE PROGRAM OVERVIEW
- II. SPECIFIC FINDINGS OF REVIEW
- III. RECOMMENDATIONS FOR SPECIFIC COMPONENTS OF THE ATHLETICS COMPLIANCE PROGRAM
- IV. APPENDIX

In the interest of efficiency, this Report generally does not detail athletics compliance operations that are functioning appropriately, and the review identified many. The recommendations for enhancements, changes or additions made herein range from issues of substantial importance to rather minor matters. Thus, the mere number of recommendations in and of itself should not be viewed as an indicator of the quality of the current athletics compliance program. Overall, a comparatively sound program was found.

¹ BS&K prepared this Report based on information provided by the University and its employees, agents and representatives related to the University's attempts to conform to and maintain compliance with NCAA rules and regulations. Any conclusions drawn or recommendations made by representatives of the firm are for the purposes of assisting the University gain a more clear understanding of their athletics compliance systems and their likelihood of preventing/detecting NCAA rules infractions.

Institutional decisions related to the implementation of the Report's recommendations should involve the President, the Director of Athletics, the Athletics Compliance Office, the Faculty Athletics Representative (FAR) and other UO administrators as necessary. Prompt decisions and regularly scheduled post-review evaluations of progress are keys to successful implementation.

I. Athletics Compliance Program Overview

The University of Oregon appears to have a viable and committed athletics compliance program that is centered around a strong belief at all campus levels (administrators, coaches, faculty, and student-athletes) that compliance with NCAA and Conference rules is both vital to the athletics program's success and consistent with the University's mission. Attention has been given to ensuring that operating policies and procedures are committed to writing and are made readily available to staff. In most instances, systems of control are engaged and functioning: (for areas where enhancements are needed, recommendations are made in this Report.) The University has developed an extensive rules-education program, and has established appropriate liaison contacts and policies and procedures for central campus units (e.g., admissions, eligibility certification and financial aid).

Through the leadership of the President, Director of Athletics and the athletics compliance staff, it is apparent that establishing a true culture of compliance has been an important part of all activities within the intercollegiate athletics program. As with any such outside review, there were issues identified that need to be addressed for the University to continue to grow its athletics compliance program and address risk-related areas. It was noted that some of the demands placed on the athletics compliance unit are not typical of a Division I program as it relates to national exposure and the number of high-profile "elite" student-athletes in the football program. UO has reacted well to enhancing its athletics compliance operation to address these issues while still continuing to grow the overall program for the benefit of the whole athletics unit.

Although there are substantive issues that were identified during the course of this review that must be resolved in order for the athletics compliance program to maximize effectiveness, none of them individually is an indication of an ineffective athletics compliance program. In fact, based upon the information gleaned in this process, it is evident that the athletics compliance program at UO is functioning well.

II. Specific Findings of Review

The two areas of findings presented in this section relate directly to measurable athletics compliance standards that were developed by the NCAA Division I Athletics Certification Committee. The Committee developed these standards to clarify expectations for each operating principle and to bring more consistency to the external review process for institutions and the reviewing entity.

The NCAA has indicated that these standards are important considerations to an objective compliance review. In each area, the Committee's standards are numbered and boxed in blue and the presence of a checkmark (✓) indicates our conclusion that the basic elements of the Committee's standard are met. Conversely, the lack of a checkmark indicates our conclusion that the Committee's standard has not yet been fully satisfied.

A. Measurable Standards for Operating Principle 1.1 - Institutional Control, Presidential Authority and Shared Responsibilities

1. "The institution's governing board's oversight and policy formulation for athletics must be consistent with its policies and responsibilities for other units of the institution."

- ✓ The University's governing board provides oversight and policy formulation. According to the information obtained from senior central administration, intercollegiate athletics appears to be treated consistently with the policies and stated responsibilities of the other units of the institution.

2. "The President must have clear and direct oversight of the athletics program."

- ✓ The University's President exercises oversight and control of the intercollegiate athletics program. Through the office's reporting relationship to the President, the Director of Athletics has the necessary access to the office, is a member of the Cabinet and meets with the President on a regular basis. Additionally, it was demonstrated that the President and central campus units are involved in assisting with delivering the message that athletics compliance is a serious matter and that it is an institutional obligation.

3. "The institution should identify individuals or groups external to the athletics department that have meaningful input in formulation of policies and the periodic review of policy implementation."

- ✓ The University has an Intercollegiate Athletic Committee (IAC) composed primarily of UO faculty. The IAC serves in an advisory capacity to both the President and the Director of Athletics on certain athletics matters.

The IAC and its functions were addressed in a 2004 Report from the University of Oregon Athletics Task Force. While the IAC does provide input in some athletics policies, the Committee's role should be expressly stated so as to provide meaningful input in the formulation of policies. This task should be addressed in the transition to a new President.

B. Measurable Standards for Operating Principle 1.2 – Rules Compliance

1. "The institution must provide evidence that all individuals inside the athletics department who are involved or associated with athletics have statements regarding the importance of rules compliance in all of the following documents: contracts or letters of appointment, performance evaluations and job descriptions."

- ✓ We reviewed job descriptions and contracts/letters of appointment and found that all individuals inside the athletics department who are involved in or associated with intercollegiate athletics have statements regarding the importance of athletics compliance in contracts or letters of appointment, performance evaluations and job descriptions.

The expectations that the University has for its athletics department employees

are well-stated. The University has created detailed job descriptions that help to ensure that each administrative employee inside the athletics department has a clear understanding of the importance of athletics compliance. All individuals within the athletics department who were interviewed during the course of this review expressed an awareness of the importance of compliance and that such expectations were provided to them annually in writing.

2. "The institution must provide evidence that all individuals outside the athletics department who are involved or associated with athletics have statements regarding the importance of rules compliance in all of the following documents: contracts or letters of appointment, performance evaluations and job descriptions."

- ✓ Based on the interviews conducted during this review, evidence indicates that individuals outside the athletics department who are involved or associated with athletics have statements regarding the importance of compliance in contracts or letters of appointment, performance evaluations and job descriptions.

The expectations that the University has for its campus employees who assist athletics (e.g., financial aid, registrar) are well-stated. Consistent with the finding above, the University has created detailed job descriptions that help to ensure that each individual outside of the athletics departments has an understanding of the importance of athletics compliance.

3. "The institution must provide documentation that demonstrates that its entire rules compliance program has been subject to an external comprehensive review once every four years."

- ✓ This athletics compliance review is not UO's initial external comprehensive review of its rules-compliance program. The University last had an external athletics compliance review conducted by the Pac-12 Conference from September 29 – October 2, 2010, with a report being issued by the Conference in Spring 2011.

4. "The institution's comprehensive compliance review must be conducted by an individual(s) external to athletics who is knowledgeable of NCAA compliance and who does not have day-to-day responsibilities in the areas under review."

- ✓ This athletics compliance review was conducted by the Collegiate Sports Practice Group of Bond, Schoeneck & King, PLLC (BS&K) of Overland Park, Kansas. Christopher D. Schoemann, the firm's Director, NCAA Compliance Services, was primarily responsible for the review. Mr. Schoemann is knowledgeable of NCAA athletics compliance practices as a result of over 20 years experience working directly with NCAA rules and regulations, including having served as a member of the NCAA national office staff and as an athletics administrator, whose primary area of responsibility was athletics compliance, at an NCAA Division I-A institution. Mr. Schoemann's work was overseen by Mike Glazier, Chair of the firm's Collegiate Sports Practice Group, and a recognized national leader in NCAA compliance and infractions matters.

5. "The comprehensive review must demonstrate that the rules-compliance program is engaged and functioning."

- ✓ This review tested the athletics compliance systems and procedures in the following areas in four dimensions (communication, organization, documentation and evaluation) and offered enhancement recommendations:

Agents/Gambling/Amateurism
Academic Support
Automobiles/Motor Vehicles
Awards/Extra Benefits
Booster Organizations
Camps/Clinics
Coaching Limitations/Outside Income
Compliance-Infrastructure
Complimentary Admissions
Eligibility Certification
(Continuing/Initial/Transfer)
Employment of Student-Athletes
Equipment

Financial Aid
Investigations/Reporting Policies and
Procedures
Monitoring Systems/Forms
Participation
Playing and Practice Seasons
Promotional Activities
Recruiting
Rules Education
Student-Athlete Automobiles
Student-Athlete Employment
Team Travel

These tests revealed a rules-compliance program that is engaged and functioning.

In addition to the findings above related to NCAA identified measurable operating standards, we also made the following "big picture" findings regarding the University's athletics compliance program.

- ✓ The President has assigned direct responsibility for oversight of the athletics program, including the rules compliance program, to the Director of Athletics, who has subsequently charged the Senior Associate Athletics Director/Compliance & Academic Services with this responsibility. From a staffing standpoint within the athletics compliance office itself, the level of human resources devoted to administering the compliance program is within the realm of several other programs of the same size and scope nationally. However, it appears that despite the fact that there are four full-time administrators within the office itself the Senior Associate Athletics Director/Compliance & Academic Services is limited to a mostly oversight role. This effectively limits the program to three full-time administrators which is not sufficient. The University needs to add full-time staff to this effort or alter the responsibilities of the Senior Associate Athletics Director/Compliance & Academic Services.
- ✓ All UO personnel interviewed as a part of this review (see **Appendix 1**) were able to immediately identify the Senior Associate Athletics Director/Compliance & Academic Services (and the Executive Assistant Athletics Director, Compliance) as the rules-compliance authority on campus. In particular, the Executive Assistant Athletics Director, Compliance has made himself visible and effective in accommodating the needs of various constituencies, both internal and external to athletics, at the University.

- ✓ The University has an ongoing educational program for all individuals and groups associated with the athletics programs including boosters, institutional staff members, student-athletes and athletics department staff, which includes coaches. There is need for some areas of the rules-education program to be enhanced. Those areas are identified in this Report.

III. Recommendations

This section sets forth, by compliance area, the recommendations for enhancement of athletics compliance program components associated with each specific area evaluated in this compliance review. The section is divided by each compliance topic area that was assessed. Each recommendation has a relatively high level of importance, but generally, the recommendations are listed within each section in a descending order of significance.

Compliance Infrastructure

1. Examine the current staffing in the athletics compliance office. It is apparent that despite the fact that there are four full-time administrators within the office itself the Senior Associate Athletics Director/Compliance & Academic Services is limited to a mostly oversight role. This effectively limits the program to three full-time administrators which is not sufficient. The University needs to add full-time staff to this effort or alter the responsibilities of the Senior Associate Athletics Director/Compliance & Academic Services.

This staffing issue has manifested itself in a feeling of a lack of confidence in the overall program as reported by individuals interviewed during this review. In particular, the program's overall rules education (i.e., more direct rules education contact with sport and campus units) and monitoring efforts (i.e., more proactive, real-time monitoring) appear to need significant strengthening.

2. The University has an advisory group, the IAC, established to provide advice about the athletics program to the President. Over the last decade, that group has undergone changes related to its mission and scope. We suggest refining the charge of the IAC to make it more aligned with the expectations of the NCAA, with a focus on policy formulation and implementation.

Monitoring Systems/Forms/Rules Education

1. The University needs to strengthen its rules education program for athletics department personnel (e.g., coaches, unit heads) as well as central campus units by conducting more frequent (e.g., monthly) compliance meetings/seminars for coaching and other staff members of the UO and for distributing written reference materials.

The entire rules-education program needs to ensure the inclusion of individuals from all units within the UO as well other campus units that have athletics compliance-related responsibilities. This program should be for all individuals – not only coaches and administrators but also others who may be in situations where potential NCAA issues arise, including, athletic trainers, ticket office staff, student managers, student equipment managers and secretaries. Toward that the University should consider the practice of having all individuals take the NCAA Coaches Certification Exam (or develop a similar tool for non-coaching staff members) on an annual basis. Additionally, the rules education program needs to ensure that individuals from offices such as the Registrar and Financial Aid are included in rules-education opportunities, including Conference or regional professional association meetings and NCAA Regional Rules Seminars, and in

receiving frequent written updates. During this review, representatives of those central campus units expressed that they do not feel "connected" to the UO's compliance efforts.

2. Establish a new employee orientation program that incorporates the athletics compliance unit, as well as other units within the department (e.g., business, ticket office), and provides an overview of NCAA rules and regulations. This program should encompass all new staff, not just new coaching staff members.

Academic Support

The review revealed no cause for written recommendations in this area.

Agents/Amateurism/ Gambling

Agents

Please refer to the Complimentary Admissions section of this report for recommendations in this area.

Amateurism

Continue to seek additional information on amateurism questions from student-athletes in the fall of each year to ensure that the certification of eligibility for each fall semester includes a review of fundamental amateurism issues for each student-athlete. Prevention and detection of specific types of problems or issues that arise in particular sports (e.g., golf, tennis) or for the international student-athlete population as a whole are not being adequately handled through use of the NCAA Student-Athlete Statement and Amateurism and Eligibility Form for International and Select Student-Athletes as the primary means of gathering information from and disseminating information to student-athletes on amateurism. It has been our experience that a preliminary review of results and pertinent information on the student-athlete's sport or country (e.g., Internet search for records, box scores, statistics) reveals information that student-athletes sometimes do not initially disclose; however, that information still needs to be evaluated in order to certify the student-athlete's eligibility for intercollegiate competition.

Gambling

The review revealed no cause for written recommendations in this area.

Awards and Extra Benefits

Awards

Create a system for more accurately monitoring all awards received by student-athletes (not just annual participation awards) and ensuring that the number and value of such awards comply with the applicable NCAA category. Further, all individuals involved in ordering and/or providing awards for student-athletes should be instructed concerning NCAA legislation limiting the value of those awards received by each individual.

Extra Benefits

Establish a prohibition (without approval from the Director of Athletics for just cause) against the relocation of prospective student-athletes to the Oregon area prior to their enrollment. Recent NCAA Committee on Infractions decisions have shown that a strict liability standard applies to violations involving prospective student-athletes who relocate to the institution's locale prior to their initial enrollment.

Booster Organizations

The University' booster brochure should also be distributed to faculty and staff as well as to any individuals who are solicited by the athletics department to employ student-athletes. The booster brochure should be revised as the last update of this critical rules education piece occurred in 2008.

Camps & Clinics

The review revealed no cause for written recommendations in this area.

Coaching Limits/Outside Income Reporting

The review revealed no cause for written recommendations in this area.

Complimentary Admissions

1. Explore new strategies for monitoring the complimentary ticket recipients of Oregon football and basketball student-athletes. Specifically, the University needs to examine the need to amend its current procedures for complimentary admissions for student-athlete guests to become more knowledgeable about those individuals' identities and their relationships with Oregon student-athletes.

At the beginning of each academic year, the athletics compliance office should continue its practice of meeting with each Oregon intercollegiate team to explain NCAA bylaws and Pac-12 rules and regulations that pertain to complimentary admissions. Prior to the first contest for each respective sport, every student-athlete submits the name, relationship and phone number(s) of any and all individuals who may attend a University, Pac-12 or NCAA sponsored event (in which the student-athlete may compete) to the athletics compliance office. The athletics compliance office will maintain a master list of all names submitted. Once the master lists are created, the athletics compliance office should then contact select individuals on the master lists to verify the individual's relationship with the student-athlete and to ensure that nothing of value was provided to the student-athlete in exchange for being placed on the complimentary admissions list (e.g., cash or the equivalent, tattoos, clothing).

~~As the season then progresses, once additional guests are approved, student-athletes may place them on the complimentary admission list for their contests. All guests must be approved by the athletics compliance office before they can be placed on a complimentary admissions list for a contest.~~

2. Monitor the usage and recipients of tickets UO coaching staff members may have access to as a result of a contractual benefit as well as discretionary tickets allocated by the director of athletics. Recent NCAA Committee on Infractions decisions have shown institutions are held to a "should have known" standard if the recipient of one of these complimentary admissions does something contrary to NCAA legislation (e.g., individual provides extra benefits to a student-athlete). The University should mandate that all recipients of tickets from the Director of Athletics discretionary pool as well as those received from coaching staff members, are identified in writing in advance and that each recipient of such a complimentary admission should be required to sign upon entrance to the facility.

Eligibility Certification (Continuing, Initial and Transfer)

All phases of the eligibility-certification system should be subject to random sample testing on an annual basis by an external compliance oversight group/individual external to athletics (e.g., outside auditor, University audit staff).

Equipment

Equipment issuance and retrieval is still a decentralized process at UO except in the sport of football. As a result, in most instances, individual coaches or administrators (e.g., Director of Operations) supervise the equipment function for their team. This is not an advisable practice. The University should examine whether more attention needs to be paid to this operational unit (e.g., tighter issuance and retrieval procedures, electronic inventory system, more administrative support, additional personnel).

Financial Aid

1. Define a regular schedule to audit student-athlete financial aid. Currently, this area needs more frequent reconciliation to ensure that no errors have occurred with individual and team award limitations, the grant-in-aid and cost of attendance values utilized for student-athletes and non-athletics institutional aid. A committee or individual external to the athletics department should be charged with oversight of financial aid issues and/or systems. This should be either a financial aid office representative or the committee/individual selected to provide oversight of the entire compliance program. Currently, the financial aid office role is limited to the supply of information to the athletics department, and it does not perform any monitoring functions (concerning individual or team limits).
2. Develop systems and utilize forms to validate the exempting of certain types of financial aid. These forms should be generated by the UO athletics compliance office and have appropriate review and signatory areas for the Financial Aid Office. This area appears as though it is not being monitored effectively. The areas to be monitored are:
 - a. Academic Honor Awards
 - b. Institutional Non-Athletics Financial Aid for Non-Recruited student-athletes
 - c. Outside Financial Aid:
 - i. Unrelated to athletics ability
 - ii. Where athletics ability is a major criterion
 - iii. Where athletics ability is not considered a major criterion

Investigations/Reporting Policies and Procedures

The review revealed no cause for written recommendations in this area.

Participation

The review revealed no cause for written recommendations in this area.

Playing and Practice Seasons

Enhance the student-athlete review of daily and weekly hour limitations as reflected by the coaching staffs to allow student-athletes to review and sign off on their veracity. An example would be providing a sampling of student-athletes with coaching staff records from one month of activity and instructing the selected student-athletes to anonymously review and comment on the data. The student-athletes could review this information away from their sport (e.g., mail to campus address) and provide their commentary back to the athletics compliance office.

Promotional Activities

Develop a procedure to ensure that coaches and athletics administrators request approval for student-athletes' participation in institutional promotional activities in all cases. This approval is currently not being garnered in all cases.

Recruiting

1. Better define the compliance oversight responsibility for the review of fiscal transactions, particularly those involving recruiting. While each recruiting transaction is currently reviewed by both the athletics business and compliance offices in order to reconcile all of the information contained in the travel report, the receipts and the recruiting records, all intercollegiate sports staffs should be required to turn in a Contact/Evaluation log with the completion of each recruiting trip.
2. Establish procedures to more closely monitor unofficial visits. This area has become one of increased scrutiny from the NCAA enforcement staff. The University needs to be cognizant of the identity of the individuals accompanying prospects on these visits, in addition to how the prospects travelled to and from campus. UO should develop and implement a form to include information relative to the activities that occurred on the unofficial visit. Data to be collected would include arrangements (if any) that were made in conjunction with the visit (e.g., hotel rooms, meals, complimentary tickets). This activity already occurs for Official Visits. For such visits that occur during the summer camp season, particular attention needs to be paid to individuals who attend the institution's summer camps on a half-day basis so that they may experience multiple other camps during the same trip (e.g., institution's camp in the morning and attending another institution's camp in the afternoon).
2. Consider the cost benefits of the use of one of the various electronic "tools" currently on the market designed to both streamline and automate assigned recruiting responsibilities, as well as to reduce the amount of paper needed for assigned tasks and monitoring.

There are many benefits of a departmental-wide use of an electronic compliance solution to increase the accuracy of collected information and the University would be well-served to examine the various providers to identify a best fit. A "single-source" uniform system is easier to monitor and decipher from the athletics compliance office's perspective.

Student-Athlete Automobiles/Motor Vehicles

The review revealed no cause for written recommendations in this area.

Student-Athlete Employment

The review revealed no cause for written recommendations in this area.

Team Travel

1. Augment the current team travel procedures by creating a Travel Manifest Form and related procedures to ensure that all personnel (e.g., student-athletes, coaches, managers) making a particular away-from-home trip are identified and cleared prior to departure. The responsibility for checking student-athlete names on each team's travel itinerary with the eligibility list for that sport should be assigned to the athletics business office. Additionally, the athletics compliance office and academic support units should receive copies of these travel itineraries.
 2. Ensure that the University's travel agent is included in rules education efforts.
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